IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.2320 of 2007

Shri Ramugraha Ramcharita Tiwari — Petitioner
Vs.
Alaknanda Gopalkrishna Badale since deceased through LRs. — Respondents

Mr.Balkrishna Joshi for petitioner.

CORAM: B.H.MARLAPALLE, J.

April 25, 2007.

P.C.

. Regular Civil Suit No.67 of 1986 was dismissed by the learned Civil Judge Junior Division at Malegaon on 31/3/1993 and, therefore, the said judgment and decree came to be challenged in Civil Appeal No.70 of 1993. The learned Ad-hoc District Judge -1, Malegaon was pleased to allow the appeal vide his judgment and order dated 27/11/2006 and the said suit was decreed by setting aside the order of the trial Court. The defendant has been directed to vacate the suit premises and hand over its vacant possession to the plaintiff on or before 31st May 2007 and hence this petition under Article 227 of the Constitution by the defendant.

. In Writ Petition No.4138 of 2006 decided on

24/8/2006, it has been held by this Court that the impugned decree can be challenged by filing a revision application under Section 115 of CPC and when such a statutory remedy is available, a writ petition under Article 227 of the Constitution need not be entertained.

. Hence the petition is disposed as withdrawn with liberty to file a civil revision application.

Annexures be returned on an application.

(B.H.MARLAPALLE,J.)